

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PAUL J. SLAPINSKI,

Plaintiff,

Case No. 20-cv-166-pp

v.

VETERANS ADMINISTRATION, PAUL KONKOY,
LAWRENCE DELAY, SANDRA REGEN,
VA TIPS PROGRAM and ELIZABETH LAMPE,

Defendants.

**ORDER DISMISSING CASE FOR PLAINTIFF'S FAILURE TO DILIGENTLY
PROSECUTE IT**

On November 7, 2022, the court issued an order requiring the plaintiff to show cause why the court should not dismiss the case for the plaintiff's failure to serve the defendants. Dkt. No. 8. The court instructed the plaintiff that he "must file with the court a written document explaining why the court should not dismiss the case for his failure to properly serve the defendants," and that he must file the document in time for the court to receive it by the end of the day on December 2, 2022 or the court would dismiss the case without further notice or hearing. *Id.* at 8. The court mailed the order to the plaintiff at P.O. Box 270402, West Allis, WI 53227—the address listed on the docket and provided by the plaintiff in his original complaint (filed February 3, 2020). Dkt. No. 1. On November 28, 2022, the order was returned by the US Postal Service as "Not Deliverable as Addressed; Unable to Forward." Dkt. No. 9.

General Local Rule 5 of the Eastern District of Wisconsin requires an unrepresented party to provide an address and telephone number at which the court can contact that party. After receiving the returned mail, the court noted that while on the original complaint, the plaintiff had listed the West Allis post office box under his name in the caption, the complaint later stated that he resided at “2520 Plaza Ct., Extended Stay America Waukesha, WI 53186 (temporary).” Dkt. No. 1 at 1. The plaintiff’s unsigned amended complaint also listed the Extended Stay in Waukesha as his address and the plaintiff attached to the amended complaint a September 25, 2022 letter that he had received from the Social Security Administration at the Extended Stay address. Dkt. Nos. 7, 7-1.

There is a telephone number on the docket, (414) 883-0192. The plaintiff provided a different phone number in his original complaint—(262) 389-6040. Dkt. No. 1 at 4. After the court received the returned mail, staff called both phone numbers, trying to reach the plaintiff and determine his current mailing address. There was no answer at either number. The court’s staff also contacted Extended Stay America—both the main corporate office and the Waukesha location at which the plaintiff had resided. The corporate office indicated that the plaintiff had checked in and out of the Waukesha Extended Stay three separate times, but that he did not currently reside at the hotel. The manager at the Waukesha location confirmed this information.

The plaintiff also provided an e-mail address, paulslap69@gmail.com. Id. The court e-mailed the plaintiff on December 9, 2022, asking him to update his

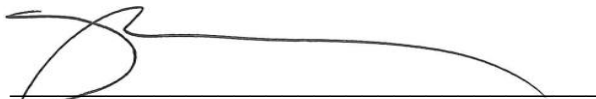
mailing address and telling him that if he did not respond by the end of the day on December 16, 2022, the court may dismiss his case. The plaintiff did not respond.

The court has tried every means available to contact the plaintiff and determine his mailing address so that it can send case-related documents to him, even though it is the *plaintiff's* responsibility to keep the court notified of his address. The plaintiff has not updated his address or other contact information since he filed his unsigned amended complaint on November 2, 2020. Dkt. No. 7. In fact, there has been no communication from the plaintiff to the court in the just over two years since that filing.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** under Civil Local Rule 41(c) (E.D. Wis.) for the plaintiff's failure to diligently prosecute it. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 27th day of December, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge